



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, NOVEMBER 17, 2004**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**6:00 P.M.**

***A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.***

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**6:00 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

#### **1.**

##### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 4

##### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Authority: Government Code 54957  
Public Employee Performance Evaluation: City Manager  
Attendees: City Council, City Manager

##### **CONFERENCE WITH LABOR NEGOTIATOR:**

Authority: Government Code Section 54957.6  
Agency Negotiators: City Manager; Human Resources Director

#### **Executive Management Group 1-A**

Chief of Police  
Director of Business Assistance & Housing Services  
Director of Community Development  
Director of Finance  
Director of Public Works/City Engineer  
Human Resources Director  
Recreation and Community Services Manager  
Assistant to the city Manager  
Council Services and Records Manager

#### **Middle Management Group 1-B**

Police Lieutenant  
Deputy Director of Public Works  
Program Administrator  
Assistant Director of Finance  
Chief Building Official  
Planning Manager  
Senior Civil Engineer  
Senior Project Manager/Community Buildings  
Budget Manager  
Business Assistance and Housing Services Manager  
Police Support Services Supervisor  
Senior Planner  
Project Manager  
Utility Systems Manager  
Recreation Supervisor  
Secretary to the City Manager

**Confidential Non-Exempt Employees Group 1-C**

Administrative Analyst  
Secretary to the City Attorney  
Accounting Technician  
Human Resources Assistant

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**RECOGNITIONS**

Erosion Control Hydro Seeding of New Monterey Road Underpass  
*Fred Amoroso and Scott Schilling*

**CITY COUNCIL REPORT**

Mayor Pro Tempore Sellers

**CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## City Council Action

### CONSENT CALENDAR:

**ITEMS 1-10**                      The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
1.	<b><u>OCTOBER 2004 FINANCE &amp; INVESTMENT REPORT</u></b> ..... 1 <b>Recommended Action(s):</b> <u>Accept</u> and <u>File</u> Report.	
2.	<b><u>PERFORMANCE MEASURE UPDATE – FIRST QUARTER FISCAL YEAR 2004-2005</u></b> ..... 11 <b>Recommended Action(s):</b> <u>Accept</u> and <u>File</u> .	
3.	<b><u>ANNEXATION APPLICATION, ANX-02-02: COCHRANE-BORELLO 11</u></b> ..... 25 <b>Recommended Action(s):</b> <u>Adopt</u> Resolution Approving Annexation.	
4.	<b><u>FIRST QUARTER REPORT ON 2004-2005 WORKPLAN</u></b> ..... 43 <b>Recommended Action(s):</b> <u>Accept</u> Report.	
5.	<b><u>ADOPT PARKS MAINTENANCE STANDARDS</u></b> ..... 61 <b>Recommended Action(s):</b> <u>Approve</u> the Parks Maintenance Standards as Recommended by the Parks and Recreation Commission.	
6.	<b><u>EMERGENCY AUTHORIZATION FOR PLACEMENT OF SLOPE EROSION PROTECTION</u></b> ..... 81 <b>Recommended Action(s):</b> 1. <u>Adopt</u> the Resolution Declaring an Emergency for Placement of Slope Erosion Protection on Slopes at the Monterey Road Underpass; and 2. <u>Appropriate</u> \$8,000 from the Unappropriated Fund 346 (Measure C-Capital Improvement Project) Fund Balance for the Project.	
7.	<b><u>FINAL MAP APPROVAL FOR SAN PEDRO VILLAS, PHASE II (TRACT 9640)</u></b> ..... 85 <b>Recommended Action(s):</b> 1. <u>Approve</u> the Final Map, Subdivision Improvement Agreement and Improvement Plans; 2. <u>Authorize</u> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and 3. <u>Authorize</u> the Recordation of the Map and the Subdivision Improvement Agreement Following the Recordation of the Development Improvement Agreement.	
8.	<b><u>FINAL MAP APPROVAL FOR QUAIL MEADOWS, PHASE II (TRACT 9598)</u></b> ..... 97 <b>Recommended Action(s):</b> 1. <u>Approve</u> the Final Map, Subdivision Improvement Agreement and Improvement Plans; 2. <u>Authorize</u> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and 3. <u>Authorize</u> the Recordation of the Map and the Subdivision Improvement Agreement Following the Recordation of the Development Improvement Agreement.	

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
9.	<b><u>ADOPT ORDINANCE NO. 1701, NEW SERIES</u></b> .....	109
	<b><u>Recommended Action(s):</u></b> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1701, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION MMP-03-01: NATIVE DANCER – QUAIL MEADOWS (APN 779-02-014) (DA-03-09: NATIVE DANCER – QUAIL MEADOWS).</b>	
10.	<b><u>ADOPT ORDINANCE NO. 1702, NEW SERIES</u></b> .....	117
	<b><u>Recommended Action(s):</u></b> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1702, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING TITLE 17, CHAPTER 17.20 OF THE MORGAN HILL MUNICIPAL CODE, THE SUBDIVISION ORDINANCE, REPEALING SECTION 17.20.110, REQUIRING CITY COUNCIL REVIEW OF TENTATIVE SUBDIVISION MAPS.</b>	

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 11-12**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
11.	<b><u>APPROVE JOINT REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MINUTES FOR MEETING OF OCTOBER 27, 2004</u></b> .....	121
12.	<b><u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MINUTES FOR MEETING OF NOVEMBER 3, 2004</u></b> .....	153

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 13-14**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
13.	<b><u>OCTOBER 2004 REDEVELOPMENT AGENCY FINANCE &amp; INVESTMENT REPORT</u></b> .....	165
	<b><u>Recommended Action(s):</u></b> <u>Accept</u> and <u>File</u> Report.	
14.	<b><u>LEASE WITH THE CALIFORNIA YOUTH SOCCER ASSOCIATION (CYSA)</u></b> .....	189
	<b><u>Recommended Action(s):</u></b>	
	1. <u>Approve</u> the New Lease Agreement with CYSA for the Property Located at 16545 Murphy Avenue; and	
	2. <u>Direct</u> the Executive Director to do Everything Necessary and Appropriate to Execute the New Lease Agreement, Including Making Modifications, Subject to Review and Approval by Agency Counsel.	

## City Council Action

### PUBLIC HEARINGS:

	Time Estimate		Page
15.	10 Minutes	<p><b><u>APPEAL OF FINDING OF INCONSISTENCY WITH THE GENERAL PLAN AND REJECTION OF MEASURE C APPLICATION MC-04-18. APPEAL APPLICATION, AP-04-04: MONTEREY-VIOLA</u></b>.....</p> <p>Public Hearing Opened.</p> <p>Please Limit Your Remarks to 3 Minutes. Public Hearing Closed</p> <p>Council Discussion.</p> <p>Action- <b><u>Council Discretion.</u></b> Should the City Council Wish to Grant the Appeal, <b><u>Adoption</u></b> of the Resolution is Recommended.</p>	195
16.	10 Minutes	<p><b><u>APPEAL OF FINDING OF INCONSISTENCY WITH THE GENERAL PLAN AND REJECTION OF MEASURE C APPLICATION MC-04-16. APPEAL APPLICATION, AP-04-05: EAST FIRST – SHERMAN HOUSE ASSOCIATES</u></b>.....</p> <p>Public Hearing Opened.</p> <p>Please Limit Your Remarks to 3 Minutes. Public Hearing Closed</p> <p>Council Discussion.</p> <p>Action- <b><u>Council Discretion.</u></b> Should the City Council Wish to Grant the Appeal, <b><u>Adoption</u></b> of the Resolution is Recommended.</p>	205
17.	10 Minutes	<p><b><u>APPEAL OF FINDING OF INCONSISTENCY WITH THE GENERAL PLAN AND REJECTION OF MEASURE C APPLICATION MMC-04-07. APPEAL APPLICATION, AP-04-06: GINGER-CUSTOM ONE</u></b>.....</p> <p>Public Hearing Opened.</p> <p>Please Limit Your Remarks to 3 Minutes. Public Hearing Closed</p> <p>Council Discussion.</p> <p>Action- <b><u>Council Discretion.</u></b> Should the City Council Wish to Grant the Appeal, <b><u>Adoption</u></b> of the Resolution is Recommended.</p>	215
18.	10 Minutes	<p><b><u>APPEAL OF FINDING OF INCONSISTENCY WITH THE GENERAL PLAN AND REJECTION OF MEASURE C APPLICATION MMC-04-09. APPEAL APPLICATION, AP-04-08: TAYLOR-MURRAY</u></b>.....</p> <p>Public Hearing Opened.</p> <p>Please Limit Your Remarks to 3 Minutes. Public Hearing Closed</p> <p>Council Discussion.</p> <p>Action- <b><u>Council Discretion.</u></b> Should the City Council Wish to Grant the Appeal, <b><u>Adoption</u></b> of the Resolution is Recommended.</p>	225
19.	10 Minutes	<p><b><u>APPEAL OF FINDING OF INCONSISTENCY WITH THE GENERAL PLAN AND REJECTION OF MEASURE C APPLICATION MC-04-10: EAST DUNNE-KRUSE</u></b>.....</p> <p>Public Hearing Opened.</p> <p>Please Limit Your Remarks to 3 Minutes. Public Hearing Closed</p> <p>Council Discussion.</p> <p>Action- <b><u>Council Discretion.</u></b></p>	235

## City Council Action

### OTHER BUSINESS:

	Time Estimate		Page
20.	30 Minutes	<b><u>COMMUNITY INDOOR RECREATION CENTER – BUDGET DIRECTION AT 75% CONSTRUCTION DOCUMENTS</u></b> .....	237
		<b><u>Recommended Action(s):</u></b> <u>Consider</u> Subcommittee Report and Recommendations.	
21.	10 Minutes	<b><u>INTERIM USE PERMIT, UP-04-07: DEPOT-DAY WORKER CENTER</u></b> .....	253
		<b><u>Recommended Action(s):</u></b>	
		1. <u>Consider</u> Property Owner Request to Impose a 30-day Site Restoration Requirement.	
		2. <u>Provide</u> Direction to Staff Regarding the Property Owner's Request for a Bond to Ensure the Restoration and Clean Up of the Site; and	
		2. <u>Adopt</u> Resolution Amending Resolution No. 5803 Requiring the Dayworker Committee to Return the Site to its Original Condition One Month After Exiting the Site.	
22.	10 Minutes	<b><u>MEMORANDUM OF UNDERSTANDING (MOU) FOR WORKFORCE INVESTMENT ACT SERVICES</u></b> .....	279
		<b><u>Recommended Action(s):</u></b>	
		1. <u>Authorize</u> the City Manager to do Everything Necessary, Including Making Modifications to the MOU, Subject to Legal Review, to Execute an MOU with the City of San Jose to Act as the Administrator of Services for the Silicon Valley Workforce Investment Board; and	
		2. <u>Provide Direction</u> on the Process for Nominating a Person to be Appointed to Workforce Investment Board or its Youth Council.	

## Redevelopment Agency Action

### OTHER BUSINESS:

	Time Estimate		Page
23.	20 Minutes	<b><u>WOODLANDS ESTATES REQUEST FOR ASSISTANCE</u></b> .....	287
		<b><u>Recommended Action(s):</u></b>	
		1. <u>Direct</u> Staff to Explore Funding Options to Assist Residents of Woodlands Estates Mobile Home Park; and	
		2. <u>Report</u> Back to the Agency with a Recommendation Prior to March 2005.	

### FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### ADJOURNMENT